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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Applicant: Andrew F. Knight
Title: PROCESS OF RELAYING A STORY HAVING A UNIQUE PLOT
Appl. No.: 10/722,473
Filing Date: November 28, 2003
Examiner: Corbett Coburn
Art Unit: 3714
DKT #009

Reply to Request for Information

Commissioner for Patents
P.O.Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This submission is responsive to the Request for Information Under 37 CFR §1.105, mailed June 7, 2007.

The Patent Office requests various information, sectioned into parts a. – g. Applicant replies as follows:

a. Whether a search of the prior art was made, and if so, what was searched.

A search of the prior art was not made.

b. A copy of any non-patent literature, published application, or patent (U.S. or foreign), by any of the inventors, that relates to, or has a plot/storyline similar to, the claimed invention.

No such non-patent literature, published application, or patent by the Inventor exists.

Applicant understands the phrase “that relates to” to refer to relevant prior art for §§102 and 103 purposes. In other words, Applicant understands the requirement of part b. to exclude works that discuss whether the present application is patentable. (Such works will be presented in response to parts f. and g.)

c. A copy of any non-patent literature, published application, or patent (U.S. or foreign) that was used to draft the application.

No non-patent literature, published application, or patent was used to draft the application.

d. A copy of any non-patent literature, published application, or patent (U.S. or foreign) that was used in the invention process.

No non-patent literature, published application, or patent was used in the invention process.

e. Identification of any use of the claimed invention known to any of the inventors at the time the application was filed notwithstanding the date of the use.

No such use is known.

f. A copy of any publication of which the Applicant is aware concerning these applications.

A search in any popular Internet search engine of “plot patents” or “storyline patents” will yield thousands of web pages, perhaps the overwhelming majority of them being personal “blogs” discussing the lay public’s opinion of the potential patentability of storylines. Applicant respectfully asserts that printing and submitting such blogs will be overly burdensome to Applicant, will be overly burdensome to the Patent Office, and will not appreciably assist the Patent Office in determining the patentability of the present application. Therefore, unless the Patent Office instructs otherwise, Applicant understands “publication” to exclude Internet blogs. The present submission includes the following:

13 Going on 30, Sony Pictures, April 23, 2004, copy submitted on DVD

Knight, Andrew F., “A Potentially New IP: Storyline Patents,” *Journal of the Patent and Trademark Office Society*, Vol. 86, No. 11 (2004).

Knight, Andrew F., “A Patently Novel Plot: Fiction, Information, and Patents in the 21st Century,” *IDEA: The Intellectual Property Law Review*, Vol. 47, No. 2 (2006).

Knight, Andrew F., www.PlotPatents.com

Knight, Andrew F., Press release (July 19, 2005)

Knight, Andrew F., Press release (Nov. 3, 2005)

“Pure Fiction: The Attempt to Patent Plot,” *Harvard Journal of Law and Technology*, Vol. 19, No. 1 (2005).

Manevitz, Ben, “What’s the Story with Storyline Patents,” *Cardozo Arts & Entertainment Law Journal*, Vol. 24, p. 717 (2006).

Fisher, Daniel, “Box Office Patents,” *Forbes.com* (Aug. 15, 2005).

Baldas, Tresa, “No Tall Tale: Patent Filed For a Fictional Storyline,” *The National Law Journal* (Nov. 21, 2005).

Clayton, Lewis R., “‘Lundgren’ and Limits,” *The National Law Journal* (Dec. 19-26, 2005).

Kantor, Andrew, “A Novel Idea,” *The Roanoke Times* (Nov. 27, 2005).
The Funny Page, *IP Law and Business* (date unknown).

Berman, Charles, "U.S. Patent Office Publishes First Patent Application to Claim Fictional Storyline," *IP Brief*, Greenberg Traurig (Dec. 2005).

Maier, Steven, "A Patent Plot," *FairCopy*, Manches.com, Issue 2 (2005).

"Software and Law: Is Regulation Fostering or Inhibiting Innovation?" The Brookings Institution, p. 54-55 of a transcript (Dec. 7, 2005).

Speer, Brenda, "Potential Patent Rights in Storylines," *Pikes Peak Writer NewsMagazine* (Nov. 2005).

Aharonian, Greg, "Patenting Movies and Music?" *Entertainment Law Reporter*, Vol. 27, No. 7 (Dec. 2005).

Head, Dan, "Storyline Patents: A Godsend or a Restriction on Creativity and Individual Expression," Lawdit.co.uk (date unknown).

"Patenting a Fictional Storyline?" PatentLawPortal.com (Sept. 7, 2005).

Madison, Mike, TheConglomerate.com (Sept. 14, 2005).

Kushan, Jeffrey, Comments to the Patent Office on Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility (July 31, 2006).

"US Man Seeks Movie Plotline Patent," TheRegister.co.uk (Nov. 4, 2005).

Tease, Antoinette, "Is a 'Storyline' Patent a Figment of the Imagination?" Teaseland.com (July 2006).

Further, the present response does not include copies of the other three "Storyline Patent" application publications (the set of four includes U.S. Patent Applications Nos. 10/722,473, 10/846,544, 10/861,849, and 10/869,082) because Examiner Coburn, who is currently examining all four applications as a group, is clearly aware of these publications.

Further, curious members of the public have written Applicant emails naming various publications that they consider "relevant" to the present application, including the motion pictures "Total Recall," "Spellbound," and "Manchurian Candidate," and books "Rip Van Winkle" and "Plotto."

Applicant mentions these publications only to indicate his commitment to being completely forthright and honest with the Patent Office. However, because Applicant has not read or viewed the latter four publications, Applicant is not aware that any of the publications concern the present application. Regarding *Total Recall*, a science fiction thriller, Applicant does not regard (and never did regard, which is why Applicant submitted only *13 Going on 30*, and not *Total Recall*, in an IDS) the motion picture as being relevant to, or concerning, the present application.

g. Identification of any court case that Applicant contends provides legal precedent for a grant of patent rights to the application.

Applicant provides references to all such court cases in the following two submitted references:

Knight, Andrew F., "A Potentially New IP: Storyline Patents," *Journal of the Patent and Trademark Office Society*, Vol. 86, No. 11 (2004).

Knight, Andrew F., "A Patently Novel Plot: Fiction, Information, and Patents in the 21st Century," *IDEA: The Intellectual Property Law Review*, Vol. 47, No. 2 (2006).

Applicant believes that all requirements have been satisfied and requests Examiner Coburn to contact Applicant with any further questions or if the present response is not deemed a complete reply under MPEP 704.12(b).

Respectfully submitted,



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7/26/07
Date